

FILED
BOARD OF PHYSICAL THERAPY
SEP 22 2009

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

Administrative Action

MODIFIED CONSENT ORDER

LICENSED TO PRACTICE
PHYSICAL THERAPY IN
THE STATE OF NEW JERSEY

The renewal applications submitted by licensed physical

therapists and physical therapists assistants included an acknowledgment regarding whether or not the licensees had completed thirty (30) continuing education credits during the period from February 1, 2006 through January 31, 2008 as required for the 2008-2010 biennial license renewal period pursuant to N.J.S.A. 45:9-37.18(a)10 and N.J.A.C. 13:39A-9.1 et. seq.

In response to the Board's audit, Justin Gornell, P.T. (hereinafter referred to as the "Respondent") submitted documentation indicating completion of a course sponsored by the Hospital for Special Surgery entitled "Sports Medicine for the Young Athlete," taken on March 4, 2006 for six (6) continuing education credits and a course sponsored by Maitland-Australian Physiotherapy Seminars entitled "MT-2 Basic Spinal Course," taken on December 9-11, 2005 for twenty six (26) continuing education credits.

Upon a review of the respondent's submissions, the Board found that the course sponsored by Maitland-Australian Physiotherapy Seminars was taken prior to the biennial period in question and therefore does not qualify for continuing education credit. The thirty (30) continuing education credits for the licensure renewal for the 2008-2010 renewal period were to be obtained in the two years preceding January 31, 2008. To qualify the continuing education courses had to be taken from February 1, 2006 - January 31, 2008. In addition, the course entitled "Sports

Medicine for the Young Athlete: 8th Annual Symposium" was not pre-approved by the Board. For courses not pre-approved by the Board, proof of attendance, a course outline, and a curriculum vitae for each lecturer must be provided to obtain credit pursuant to N.J.A.C. 13:39 A-9.3 (g) and N.J.A.C. 13:39 A-9.6 (a) upon audit. In a letter dated August 18, 2008, the Board informed the respondent of the missing documentation and requested the required information by October 1, 2008. In a letter dated September 10, 2008, the respondent stated that he was submitting the requested documentation. Upon review, the Board found that the respondent failed to submit a curriculum vitae for each lecturer and therefore, the course does not qualify for continuing education credit.

Based upon all the available information reviewed, the Board found that the respondent has completed none of the required continuing education credits within the specified time period. The Respondent's conduct in failing to obtain thirty (30) continuing education credits in the period from February 1, 2006 through January 31, 2008 establishes a basis for disciplinary action as the Respondent did not meet the requirements for renewal of his license to practice physical therapy as he failed to obtain the requisite thirty (30) continuing education credits within the two years preceding the renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq.

Board acknowledges that the respondent has informed it that he has not been actively engaged in the practice of physical therapy in New Jersey as he is employed in New York and that he wishes to have his license to practice as a physical therapist placed on inactive status. Respondent has further advised the Board that he did not receive information about the regulatory changes requiring continuing education courses for renewal of license because he moved three times between July 2005 and January 2007. Furthermore, Respondent has requested that the Board reconsider or reduce the civil penalty as he believes it is excessive as he has not practiced in New Jersey during the 2006-2008 renewal period.

It appearing that the respondent desires to resolve this matter without further proceedings and waiving any right to a hearing, and the respondent acknowledging and not contesting the findings of fact and conclusion of law made by the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS *22nd* DAY OF, *September* 2009

ORDERED that:

1. The Respondent's license to practice physical therapy, renewed on February 1, 2008 shall be placed on inactive status. Thus, the Respondent will be licensed but is prohibited from actively engaging in the practice of physical therapy in New Jersey while on inactive status.


2. At the time of reactivation of the license to actively practice physical therapy you shall complete thirty (30) continuing education credits per biennial renewal period that your license has been on inactive status up to a maximum of sixty (60) credits as required by N.J.A.C. 13:39A-5A.2(b).


3. Respondent is cautioned in the future to obtain the requisite continuing education courses within the preceding renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. and to carefully complete all renewal applications.

4. Respondent is reminded that pursuant to N.J.A.C. 13:39A-3.7 you shall notify the Board in writing within thirty (30) days of any change of address on file with the Board shall specify whether the address is a residence or employment address.

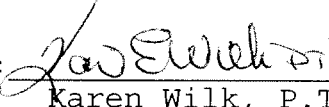
5. Respondent is hereby assessed a civil penalty in the amount of **\$1000.00** for his failure to obtain the thirty (30) continuing education credits within the preceding biennial licensure renewal period.

6. Payment of the civil penalty is **stayed** and shall

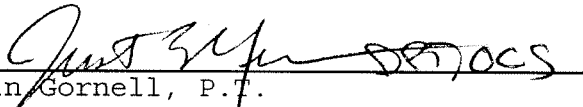
be due and owing upon reactivation of the license to practice as a physical therapist from inactive to active status. At that time payment shall be made by certified check or money order immediately upon accepting and signing of this ^{Modified} Consent Order and  sent to the attention of Lisa Affinito, Executive Director of the Board of Physical Therapy Examiners, P.O. Box 42014, Newark, New Jersey, 07101.

7. Failure on the part of the respondent to pay the civil penalty at the time of reactivation or to comply with any ^{Modified} of the terms of this  Consent Order constitutes a violation of the Order, proof of which would constitute grounds for further disciplinary action by the Board.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By:  DPT 40Q400520100
Karen Wilk, P.T., DPT
Chair

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Justin Gornell, P.T.

DATED: